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BROOKLYN OFFICE

December 06, 2021

Delivery via First-Class Mail (USPS)

The Honorable Margo K. Brodie  
The Honorable Raymond J. Dearie  
United States District Court  
225 Cadman Plaza East  
Brooklyn, NY 11201



in re: United States v. Andre Wilburn, case No. 19-CR-108 (MKB)  
in re: United States v. Andre Wilburn, case No. 19-CR-139 (RTD)

Dear Chief Judge Brodie and Judge Dearie:

The defendant, Andre Wilburn, regrettably writes the Court to address the unprofessional and intentionally antagonistic conduct of CJA appointed attorney ("appointed counsel"), Samuel Gregory. Additionally, the defendant would like to respectfully object to the duration of Judge Dearie's 131-day sua sponte continuance granted on December 02, 2021. And finally, the defendant writes to assert his Sixth Amendment speedy trial right in both cases. see US Const. Amend VI; Zedner v. United States 547 US 489 (2006). As of the date of this letter, Judge Dearie has not formally accepted the defendant's guilty plea on-the-record, meaning the [Sixth Amendment] speedy trial clause "applies with full force." United States v. Roberts, 515 F.2d 642 (2d Cir 1975).

Background

Samuel Gregory was appointed on around September 30, 2021 following a sua sponte termination of counsel, Carlos Santiago. Since meeting with appointed counsel for the first time on November 16, 2021, appointed counsel routinely used foul language despite the defendant being consistently stoic, organized, strategic, and polite. At some point during this meeting, the defendant advised Samuel Gregory of his desire to work on a speedy trial motion and



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a suppression motion for the search of his apartment. Appointed counsel refused to assist in drafting the motions stating in sum and substance "I'm not going to make those motions," but would ultimately adopt the motions when they're sent by the defendant.

At our next meeting on November 23, 2021, Samuel Gregory brings the incomplete suppression motion drafted by former counsel James Darrow, apparently identical in all aspects, including missing citations. The only difference was that it had Samuel Gregory's signature at the end. Appointed counsel notes that "he wants to know what's in [the defendant's] head," and recommends being evaluated by someone named "Bardey." After extensive independent research, "Bardey" was identified as Dr. Alexander Sasha Bardey, a forensic psychiatrist. The defendant is not mentally incompetent, so this revelation was unusual and all signs pointed to Samuel Gregory wanting the defendant evaluated in order to contribute to trial delay since it appears that the government is not prepared for trial. *United States v. Lemon* 550 F.2d 467 (9th Cir 1977). The defendant was supplied with appointed counsel's phone number at this meeting. It's worth mentioning that Samuel Gregory never provided the defendant with his email address and those communications only commenced because of the defendant's mother.

Throughout this time, appointed counsel sent unusual email messages to the defendant like one that said "you're making me nervous." Proof of these messages will be sent in a future supplement to this letter since the housing unit has been locked down for over 24 hours, the housing unit printer has been in a nonfunctional state for over five days, and it is imperative to send this letter sooner than later.

Appointed counsel Samuel Gregory, refused to order transcripts of court proceedings from 01/29/2019, 02/19/2019, 04/30/2020, 09/30/2021, and 11/10/2021. The defendant does not know how to obtain these transcripts as he is indigent, due to prejudicial incarceration, and has asked all 3



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appointed attorney's for the 01/29/2019, 02/19/2019, and 04/23/2020 transcripts to no avail.

On December 06, 2021, after waiting 45 minutes for the elevator, the defendant entered the visiting room with appointed counsel Samuel Gregory present. The following is the conversation in sum and substance:

Defendant: Good morning

Appointed Counsel: We have a lot to cover

D: Yes we do

AC: Have you been in communication with the Courts

D: Yes

AC: You have to write me to let me know prior to objecting to Dearie continuance.

Appointed Counsel assumed that the defendant had already written to the Court in regards to objecting to 131-day Judge Dearie continuance that violates Due Process and Speedy Trial Clauses of the United States Constitution. As of the time of that meeting, despite emailing appointed counsel with his concern with the duration, the defendant had not advised the court of his intent to object. The conversation continues with the defendant respectfully attempting to interject in order to clarify the misunderstanding. ~~and~~ As soon as the defendant began to speak, appointed counsel stood up, pointed at the defendant and shouted "hold the fuck on!" The defendant let Samuel Gregory know that he will not sit there and be disrespected and exited the room to return to his housing unit, livid. Appointed counsel could be heard attempting to advise the front desk clerk that "we're going to try again." The defendant tells the officer escorting him to the elevator "no we're not, there's no more to talk about." The defendant will not tolerate disrespectful, unprofessional, or antagonistic conduct from anyone, especially an individual who is supposed to be an "advocate."

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The defendant is unsure what to do because his pretrial detention is severely prejudicing his defense and so have all appointed attorney's thus far. This entire experience has been fundamentally unfair since the very beginning. Thank you for reading my letter.

~~Respectfully~~

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed on December 06, 2021.

Respectfully submitted,



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